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FISCAL IMPACT STATEMENT

LS 7620

BILL NUMBER: HB 1843

NOTE PREPARED: Jan 8, 2003

BILL AMENDED:

SUBJECT: Pauper Attorneys.

FIRST AUTHOR: Rep. Ruppel

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill removes option of the court to assign an attorney to defend or prosecute a civil cause for indigent persons. It repeals a corresponding provision.

Effective Date: July 1, 2003.

Explanation of State Expenditures:

Explanation of State Revenues: Under current law, courts with a civil jurisdiction have a limited obligation to appoint an attorney for an indigent person when the person is likely to prevail in a court case and the facts and legal issues are too complex for the applicant to adequately investigate and present in court. The court pays the attorney out of the court's budget.

Under this bill, the courts would no longer be required to appoint an attorney for indigent persons in these cases. This bill would allow counties to avoid having to appoint attorneys for indigent persons in this circumstance.

However, courts would remain obliged to appoint counsel for indigent persons in the following civil proceedings:

Code Cite	Type of Proceeding
IC 11-13-6-9	Parole Hearing
IC 12-10-3-22	Hearing to determine whether a person is an endangered adult that is required to received protective services
IC 12-20-15-6	Appeal from denial or reduction of poor relief
IC 12-26-2-5	Discretionary authority to appoint counsel for petitioner in action for detention or commitment of mentally ill person
IC 16-39-3-5	Required appointment of counsel for release of mental health records of indigent person in an inpatient treatment facility
IC 16-41-9-2	Proceedings to impose restrictions on individual with certain communicable or dangerous communicable diseases or require mandatory testing
IC 31-15-6-6	Discretionary authority to appoint lawyer for guardian ad litem or court-appointed special advocate in dissolution and legal separation actions.
IC 31-17-6-5	Discretionary authority to appoint lawyer for guardian ad litem or court-appointed special advocate actions: (1) for child custody and modification of child custody orders; (2) related to visitation rights of noncustodial parent; (3) for appointment of a guardian ad litem or court-appointed special advocate; or (4) to determine fees and costs of a party
IC 31-32-3-4; IC 31-32-3-5	Discretionary authority to appoint lawyer for guardian ad litem or court-appointed special advocate in actions in any juvenile proceeding
IC 31-32-2-5; IC 31-32-4-1; IC 31-32-4-3	Required appointment of attorney for parent in a proceeding to terminate the parent-child relationship
IC 31-37-23-1	Discretionary authority to appoint lawyer for a runaway detained under a requisition order issued under authority of Interstate Compact on Juveniles
IC 34-57-3-4	Community dispute resolution centers program required to provide service to indigent

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial Courts.

Information Sources: Larry Landis, Indiana Public Defender Council; Commission on Courts meetings during 2001 interim.

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